

Minutes
VA State Board of Social Services
December 6, 2006

Alexandria Dept. of Social Services
Alexandria, Virginia

Members Present

Danny Brown, Chair
Nettie Simon-Owens, Vice Chair
Peppy Linden, Secretary
Trudy Brisendine
Marilyn Rigby
Bela Sood
Shirley E. Culpepper
Maggi Luca

Members Absent

None

Wednesday, October 18, 2006

The meeting was called to order at 9:05 a.m., Chairman Danny Brown presiding.

Welcome and Introductions

Board welcome was provided by Vicki Johnson-Scott, Northern Regional Director and Debra R. Collins, Director of Human Services in Alexandria.

Suzanne Chis, Director of Alexandria Dept. of Social Services provided an overview of the department and members were given a tour of the lobby and to see their interview process.

Ms. Chis spoke of the IV-E lawsuit and federal funding revenue sources tied to it. She asked Board support to request the state to “hurry” and fix the problem so locals can begin receiving funds. Commissioner Conyers spoke on this issue advising that it is being corrected, although 100% of the money will not be flowing back to local governments since it originally flowed to them inappropriately. He further advised the state has been successful in not holding locals responsible. The agreement with ACS for the IVE Program and the potential payback tab for locals could have been as much as \$300 million dollars. There is still more liability in terms of Medicaid and food stamp programs as well. The state is trying to get this fixed responsibly, legally and correctly.

Members were also asked for their advocacy in areas of child welfare. Alexandria now has waiting lists for child care. Funding should be provided to fee child care for working families.

Regulation Status Report

Richard Martin reported that as of December 6 the department has 60 regulations in place. 27 of the 60 are currently in process:

Of those 60, 17 are in the process of being repealed
Of those 60, 7 are in the process of being amended
10 additional new regulations are in the process of being promulgated

That totals 70 regulations and proposed regulations, 34 of which are currently active.

(A copy of the Status of Regulation Report is attached to the official minutes housed in the home office.)

Status of Regulation

Mr. Martin reviewed the Status of Regulation Report with members. A copy of this report is attached to the official minutes housed in the home office.

General Assembly Report

Mr. Martin reviewed the General Assembly 2007 Schedule with members. A copy of this report is attached to the official minutes housed in the home office. Workforce development staff will be on hand at the February meeting to provide an update to the Board. VEC will also be added as a component of this discussion.

Ms. Brisendine asked if there was money in the Budget to increase the Auxiliary Grant Rate. Mr. Martin advised an announcement on this will be made after lunch.

Ms. Brisendine advised of three issues members may want to be aware of: Abraham's Law; video taped testimony in child abuse cases; and kids left in cars.

Mr. Martin advised that the JLARC Report will be available to members on Monday and a copy will be provided.

Mr. Martin advised that the VA Association of Counties legislative proposals will include urging that adoption subsidies be available, increase funding for aging and long term care, to provide adequate funding for the child care fee system, continuous state funding for the Comprehensive Services Program (CSA), increase state funding for the cost of local administration of the CSA, increase in funding for Healthy Families and CHIP programs, etc.

On December 15, Mr. Martin will provide members with a summary of what is to be included in the Governor's Budget Proposals.

Assisted Living Facility Standard Update

Mr. Martin provided members with a copy of this report. A copy is attached to the official minutes housed in the home office.

He reviewed the different scenarios that could take place. Members were asked to authorize the Chair to work with the department should responses need to be made.

ON MOTION DULY MADE (Ms. Brisendine) and seconded (Ms. Simon-Owens) moved to suspend the ALF regulation on behalf of the Board and authorize staff to respond appropriately on behalf of the State Board of Social Services. Motion carried with all in favor.

ON MOTION DULY MADE (Ms. Simon-Owens) and seconded (Ms. Brisendine) moved to authorize the Chair to act upon legislative objections if necessary and to authorize Richard Martin to respond to petitions for additional comment as needed. Motion carried with all in favor.

As a reminder, Mr. Martin advised that at the time of suspension, the department will craft forms to open up this regulation for an additional thirty days public comment. If timed correctly, this could be addressed in February. If not, a special meeting would be called to discuss.

Ms. Simon-Owens suggested that members review the “old” regulation to be familiar with the content.

Mr. Martin will provide members a listing of provider training offered in their respective areas. Ms. Simon-Owens confirmed with Mr. Martin that additional training will be offered since the original training was conducted in a very short timeframe.

Public Comment

Bonny O’Neill spoke to the Board regarding Foster Care Rates. A copy of a letter from their mayor to the Governor requesting additional funds was provided to members. A copy is attached to the original minutes housed in the home office.

Diane Smalley spoke to the Board on Child Care Scholarship Program and Fee System Funds. She advised that she just learned that the Scholarship Program has run out of funds. Staff attending training in January will not be funded now. Since the standard for teachers has risen from CDA credentials to an associate or bachelors degree as now required by NAEYC and local VA Preschool initiatives, applications are coming in and funds are not available. She advised this is totally unacceptable. We are asking people who make \$25,000 per year to get these degrees and not providing help with tuition.

If funds are not available now then they won't be available in the summer since the state fiscal year ends in June.

The Fee System Funding is another critical issue. There are 357 families on the waiting list in Alexandria. The situation is dire in Alexandria and in Fairfax. We are taking a vulnerable group of folks who are working and are going to throw them back into a welfare situation or make them pay for child care out of pocket—which isn't going to work. People are struggling to pay their co pays now and we don't charge the market rate. We are asking for those who have the least to pay even more.

Christine Pauletti spoke to the Board on Child Care Scholarship Program and Fee System Funds. There is a lack of funding for our families and children. Lack of scholarship funding is an issue. Members were urged to consider these needy families and children.

Sharon Shackelford is concerned over the lack of scholarship dollars. They have 12 teachers applying for classes and 5 additional that haven't even submitted their applications yet. She is now hearing that funds are not available to assist with tuition. She is in agreement with the other two speakers regarding lack of scholarship fund issues and the critical need.

Commissioner Remarks

Commissioner Conyers advised that staff have made an absolute good faith effort to address needs in reference to the ALF regulation. This was a collaborative issue. Because of the timing constraints, licensing staff have trained in thirty-plus sites. In the last few days, he has heard complaints that people can't get to sites in a timely manner.

He restated that we anticipate the Governor will make an announcement in the very near future regarding Auxiliary Grant Rates.

He advised that Ann Holton, First Lady of Virginia has taken on a significant role in terms of advocacy and needs of foster care children and the children aging out of foster care. She is assisting with the recruitment of new foster care parents, and we are very excited about her work. He mentioned the Governor and his wife will host a party for foster care children next Tuesday at the mansion.

Commissioner Conyers concurs with the need for child care and funding in Virginia. Without question, Virginia will put significantly more money in this program this year than ever before--\$15-20 million in TANF alone. Forty-three jurisdictions took the department up on their suggestion and began drawing down federal dollars with local money. This still creates a dilemma in some localities because match money is needed.

On behalf of department staff and people we serve, Commissioner Conyers thanked Board members for their guidance and leadership.

Commissioner Conyers advised he had a conversation regarding the Poverty Committee and advised the department is behind the work of the committee. It was his promise that staff will work more diligently and be more visible in their work with the committee next year.

Child Support Enforcement Program Update

Nick Young, Assistant Commissioner and Director of Child Support Enforcement provided members with a handout entitled “the road to self-reliance starts with child support”. A copy of this presentation is attached to the official minutes housed at the home office. Members commended Mr. Young and thanked him for doing an outstanding job.

VLSSE Comments

Ben Owen will provide a copy of the League’s Legislative Proposals. Mr. Culpepper advised the League meeting in January will be a business meeting only-no reception this year.

ACTION ITEMS

22 VAC 40-880, Child Support Enforcement Program Final Adoption

The purpose of this regulation is to update the current child support regulation impacted by 2003 and 2004 state legislation, and to amplify selected sections of the existing regulations. The amendments to the regulation are essential to protect the health and welfare of children and their families, and are intended to improve the effectiveness of the child support enforcement program. Collection of child support debt protects all citizens of Virginia, particularly its children. The increase in financial support to families enhances the quality of life thorough better health care, improved housing, and reduced stress. Further collection of delinquent child support in public assistance cases results in a reduction of legal debts to the state, thus contributing to the General Fund.

ON MOTION DULY MADE (Ms. Luca) and seconded (Ms. Simon-Owens) moved to approve the final regulatory package to amend 22 VAC 40-880, child Support Enforcement Program, for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 36 (2006). Motion carried with all in favor.

22 VAC 40-601, Food Stamp Program
22 VAC 40-20, Food Stamp Program-Income Conversion Method
22 VAC 40-540, Allowance for Telephone Costs in the Food Stamp Program
22 VAC 40-600, Food Stamp Program-Administrative Disqualifications Hearings-Final Adoption

This is a joint action to repeal three regulation related to the Food Stamp Program and replace them with a single comprehensive regulation. The proposed regulation outlines processes that are not mandated by federal or state law or regulation. Procedures in the regulation apply to the eligibility determination process for the food Stamp Program and the process to calculate the amount of food stamp benefits eligible households receive. The regulation also outlines an administrative disqualification hearing process to determine when households receive benefits to which they are not entitled.

ON MOTION DULY MADE (Ms. Simon-Owens) and seconded (Ms. Linden) moved to approve the final regulatory package to establish 22 VAC 40-601, Food Stamp Program, and repeal 22 VAC 40-20, Food Stamp Program-Income Conversion method; 22 VAC 40-540, Allowance for Telephone Costs in the Food Stamp Program, and 22 VAC 40-600, Food Stamp Program-Administrative Disqualification Hearings, for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 36 (2006). Motion carried with all in favor.

22 VAC 40-705, Child Support Services
Notice of Intended Regulatory Action

The purpose of this planned regulatory action is to conduct a comprehensive review of the Child Protective Services regulation. The goals of any amendments to the existing regulation will be to enhance the well being of children and strengthen families, and conforms the regulation to the Code of Virginia.

ON MOTION DULY MADE (Ms. Brisendine) and seconded (Ms. Linden) moved to approve the Notice of Intended Regulation Action package to amend 22 VAC 40-705, Child Protective Services for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 36 (2006). Motion carried with all in favor.

Prince George County Request to Include Local Social Service Employees Under the County's Jurisdiction-wide Personnel Plan

William Gandel, Director of Prince George reviewed the Plan with Board. Members of the Division of Human Resources were on hand for additional questions.

Member verified that the November 1 letter from Harold Hobson will be included in the Personnel Manual.

ON MOTION DULY MADE (Ms. Simon-Owens) and seconded (Ms. Sood) moved to approve Prince George County's Request to include local social service employees under the Prince George County Jurisdiction-Wide Personnel Plan. The letter from Harold Hobson dated November 1, 2006, will be included in the personnel manual and employee performance evaluation priorities will be established at the beginning. Motion carried with all in favor.

Eligibility Worker Month Resolution

Board Secretary Peppy Linden read the Resolution to members requesting that February 2007 be acknowledged as Eligibility Worker Appreciation Month.

ON MOTION DULY MADE (Ms. Simon-Owens) and seconded (Mr. Culpepper) moved to recognize the month of February 2007 as Eligibility Worker Appreciation Month calling upon all Virginians to join in acknowledging their public service and contributions. Motion carried with all in favor.

Minutes

October 18-19, 2006

ON MOTION DULY MADE (Ms. Brisendine) and seconded (Ms. Luca) moved to approve the October Minutes as provided. Motion carried with all in favor.

Minutes

November 1, 2006

ON MOTION DULY MADE (Ms. Linden) and seconded (Mr. Culpepper) moved to approve the November Minutes as provided. Motion carried with all in favor.

22 VAC 40-740, Adult Protection Services

Final Adoption

On February 15, 2006, the State Board approved a final regulatory package for this action. During executive review of the action, the Governor asked that the Board change the level of evidence back to "preponderance" as the Board had approved at the proposed stage on December 16, 2004. This is the only change in the regulation since the Board approved it in February.

ON MOTION DULY MADE (Ms. Rigby) and seconded (Mr. Culpepper) moved to rescind the February 15 action to approve the proposed Adult Protection Services regulations. Motion carried with all in favor.

ON MOTION DULY MADE (Ms. Simon-Owens) and seconded (Mr. Culpepper) moved to change the level of evidence back to “preponderance” and approve the final regulatory package to amend 22 VAC 40-740, Adult Protection Services, for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 36 (2006). Motion carried with all in favor.

Informational Items

Self Sufficiency

Kate C. Farrar, Associate Director of National Programs and Policy for Wider Opportunities for Women spoke to the Board on Self-Sufficiency. A copy of this presentation is attached to the Official Minutes housed at the home office.

Unfinished Business

Ms. Luca had questions regarding the lack of Scholarship Funds. Commissioner Conyers advised a report will be sent to members via email and he'll have Mary Jo Thomas provide an update on the Scholarship fund at the February meeting.

Future Business

There was concern from some members regarding the change from a two-day to one-day meeting. Much discussion followed. There was some concern that orientation for the new members in the Board's role may have been different from what the seasoned members had heard. It was suggested that perhaps the Board should meet specifically to look at their plan of work and structure.

Issues will be discussed on the second day of the February 2007 meeting.

Meeting Schedule

February 14-15	Richmond-Home Office
April 18-19	Pittsylvania County Community Action Agency
June 20-21	Albemarle County
August 15-16	Norfolk
October 17-18	Russell County
December 12-13	Petersburg

Committee Reports

CPS OOF- Peppy Linden provided members with some statistics regarding the numbers of reported out of family abuse cases since the passing of legislation one year ago. There were many questions regarding this report. Members decided to ask Nan McKenny to come to the February Board meeting to provide an in dept report.

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Board members Comments

Members thanked Suzanne Chis and her staff for hosting the Board meeting, for morning refreshments, goodie bags, and reception.

Commissioner, staff, and presenters were thanked for their hard work and continued support.

Adjournment

ON MOTION DULY MADE (Mr. Culpepper) and seconded (Ms. Linden) moved to adjourn the meeting at 4:45 p.m. Motion carried with all in favor.

Poverty Committee Meeting following adjournment.